EXHIBIT U

EXHIBIT 9 UNREDACTED VERSION OF DOCUMENT SOUGHT TO BE SEALED

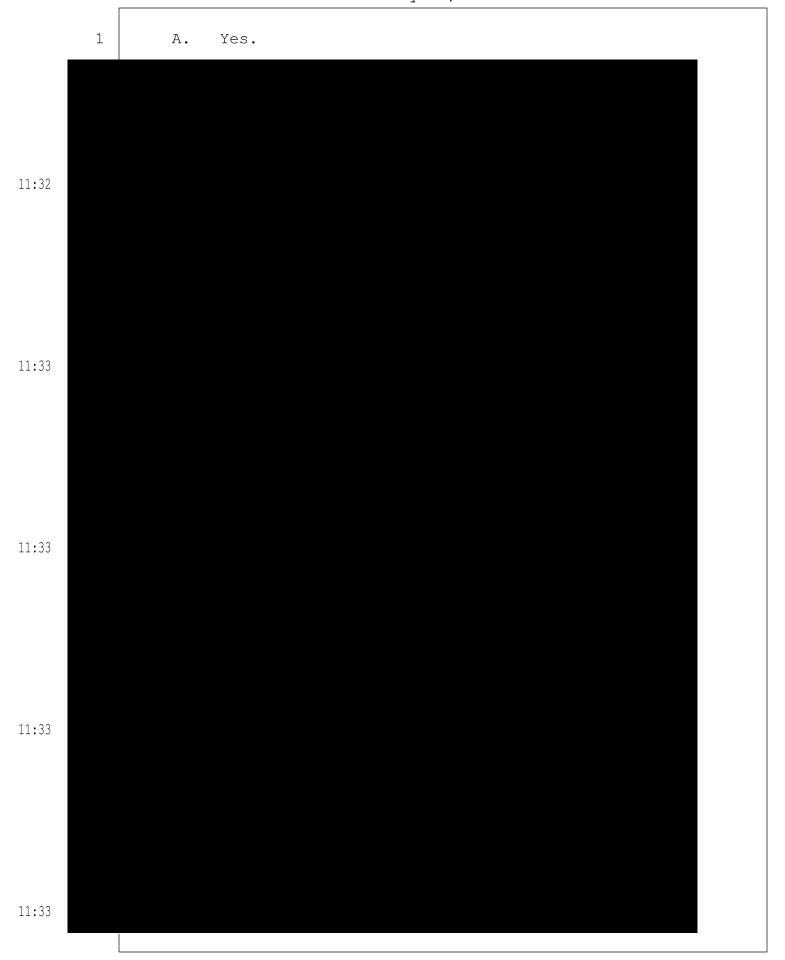
Case 5:14-cv-05344-Bake Mocolinere 549H21ghlyilecb09/26646tiaPlage 3 of 21 July 28, 2016

1	** HIGHLY CONFIDENTIAL - OUTSIDE COUNSEL ONLY ** IN THE UNITED STATES DISTRICT COURT		
2	FOR THE NORTHERN DISTRICT OF CALIFORNIA		
3			
4	CISCO SYSTEMS, INC.,		
5	Plaintiff,		
6	v. No. 5:14-cv-05344-BLF		
7	ARISTA NETWORKS, INC.,		
8	Defendant.		
9	/		
10			
11	** HIGHLY CONFIDENTIAL - OUTSIDE COUNSEL'S EYES ONLY **		
12			
13	VIDEOTAPED DEPOSITION OF CATE M. ELSTEN		
14	THURSDAY, JULY 28, 2016		
15	SAN FRANCISCO, CALIFORNIA		
16			
17			
18			
19			
20			
21			
22			
23			
24	DEBORAH MAYER, CSR 9654, RPR CRR CRP CLR		
25	U.S. LEGAL SUPPORT - SAN FRANCISCO		

	1	A. Yes.
	2	Q. And it's specified that's the past ten years?
	3	A. Yes.
	4	Q. Do you have additional publications previous to
10:12	5	those, prior to the past ten years?
	6	A. Yes.
	7	Q. Have you written any books?
	8	A. Books? No. A book chapter is as close as I've
	9	gotten to that.
10:12	10	Q. Is that book chapter listed here?
	11	A. No.
	12	Q. What is the book chapter concerning?
	13	A. It was for the litigation services handbook, I
	14	forget what edition, and it was about non patented
10:12	15	intellectual property.
	16	Q. Is that the only book chapter that you've
	17	written that you recall?
	18	A. No, actually. There was another one that
	19	was it had an intellectual property angle. It was
10:13	20	for a book that was targeted at the insurance industry,
	21	and I do not remember more of the specifics on that. I
	22	think it essentially concerned the nature of damages and
	23	therefore the potential exposure related to intellectual
	24	property, and it was aimed at insurance executives.
10:13	25	Q. Prior to the publications that you've listed in

```
1
            your CV, do you recall any other publications that
        2
            you've written specific to patent damages?
        3
                Α.
                     Yes.
        4
                     What are those, that you recall?
                0.
10:14
                Α.
                     I don't recall.
        6
                     But you think you've written articles specific
                Q.
        7
            to patent damages?
        8
                Α.
                     You know, I know I wrote one long, long ago
            that was a pretty basic primer, lost profits, Georgia
10:14
       10
            Pacific factors, things of that sort. I don't recall if
       11
            there was anything after that that was specifically
       12
            patent-related. I do believe I had one or more articles
       13
            that compared and contrasted damages under the
            Lanham Act to patent damages.
       14
10:14
       15
               Q. Do you recall writing any article specific to
       16
            copyright damages?
       17
            A. Not other than the ones that we've discussed.
       18
                Q.
                     What articles have we discussed regarding
       19
            copyright damages?
10:15
       20
                                   I'm sorry, I talked over.
                     THE WITNESS:
       21
                     The chapter I wrote on non intellectual
                Α.
       22
            property included copyright.
            BY MS. CANDIDO:
       23
       2.4
                     Yes.
                Q.
10:15
       25
                Α.
                     Other than that, I don't remember anything that
```

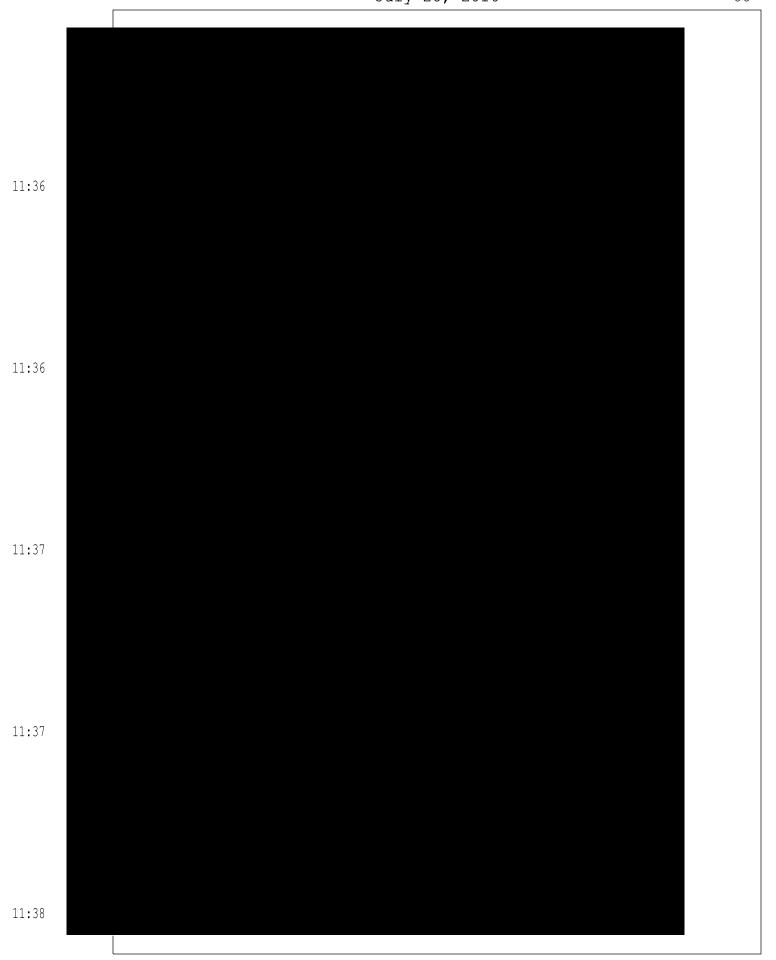
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1
            was targeted -- I don't remember anything that was
        2
            targeted only to copyrights. I don't, off the top of my
        3
            head, remember anything that included copyrights, among
        4
            other topics.
10:15
        5
                Ο.
                     Have you written any older publications
        6
            specific to fair use in copyright?
        7
                Α.
                     No.
                     What professional associations are you
        8
                0.
            currently involved with?
        9
10:15
       10
                     Well, Licensing Executive Society, the American
       11
            Marketing Association. For the CMA, I wouldn't say it's
       12
            an association you're involved in. There's
       13
            communication with the governing body, but it doesn't
            hold meetings or have committees that members
       14
10:16
       15
            participate in, or things like that, at least not to my
       16
            knowledge. So LES and AMA are the two I would say I'm
       17
            involved in, I think in the sense that you meant.
       18
                0.
                     Do you hold any leadership positions with
       19
            either of those organizations?
10:16
       20
                Α.
                     Not any more.
       21
                     I think actually your CV mentions the
                Q.
       2.2
            International Trademark Association; are you --
       23
                Α.
                     Oh, I'm sorry, I forgot that. Yes, sure.
       2.4
                     You are currently involved with them?
                Q.
10:17
       25
                Α.
                     Yes.
                            I don't know how I could forget them.
```



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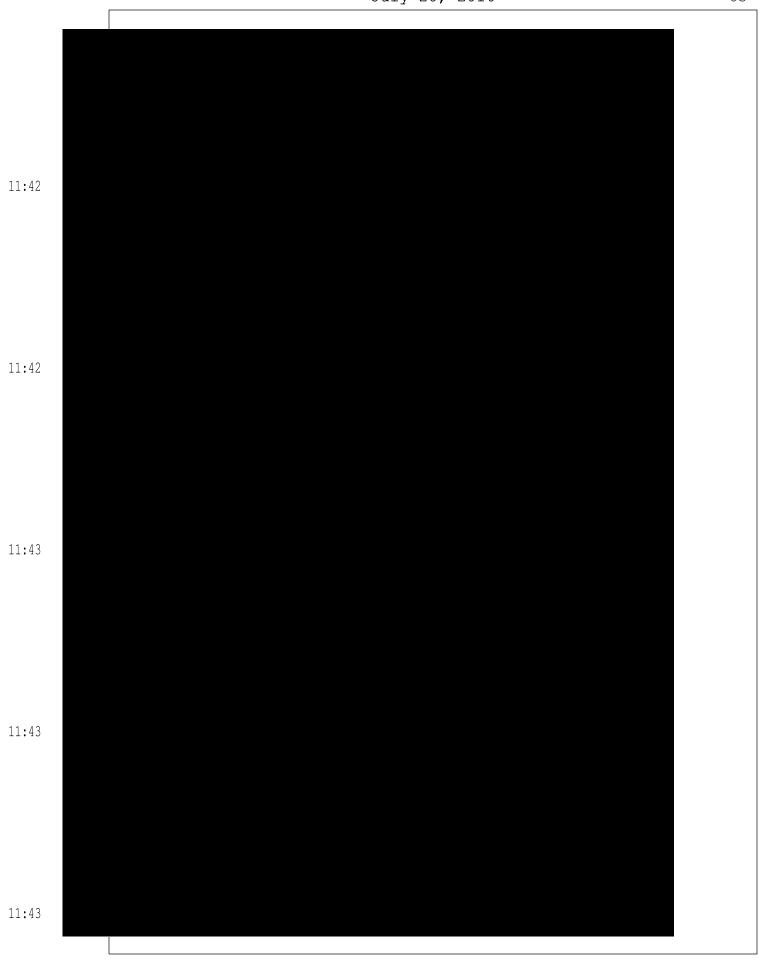
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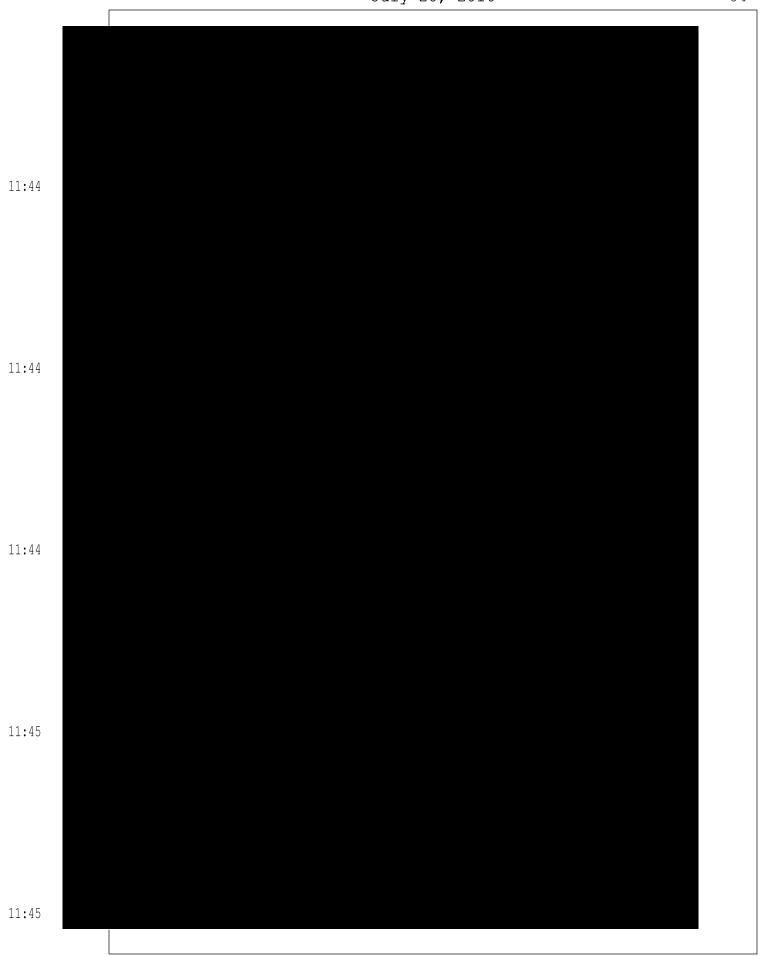
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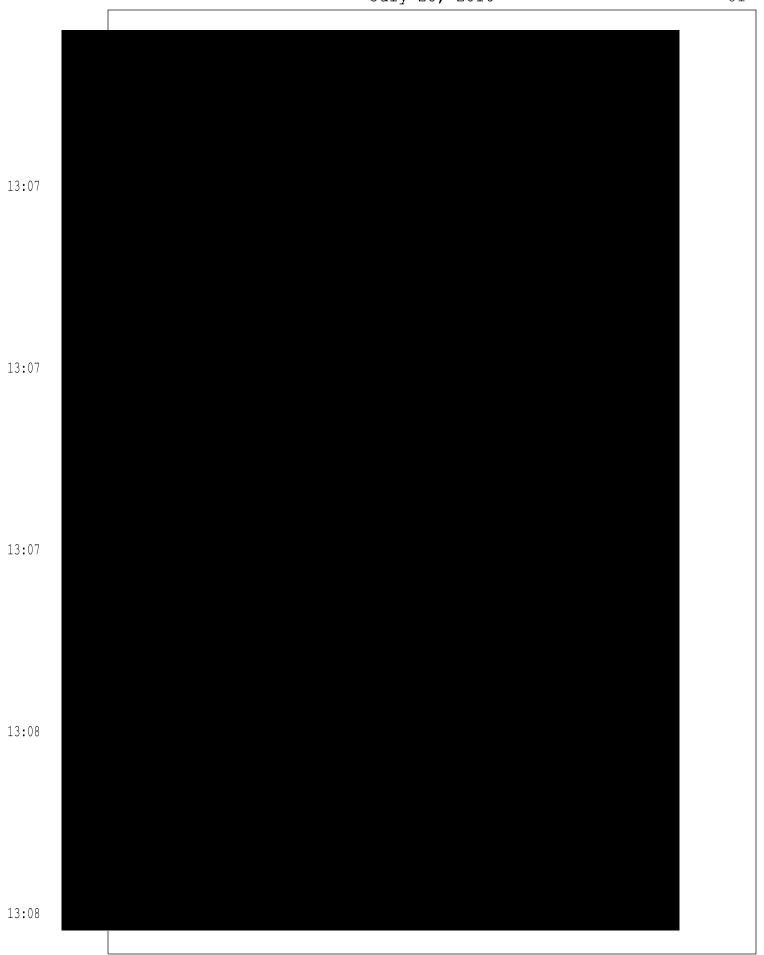


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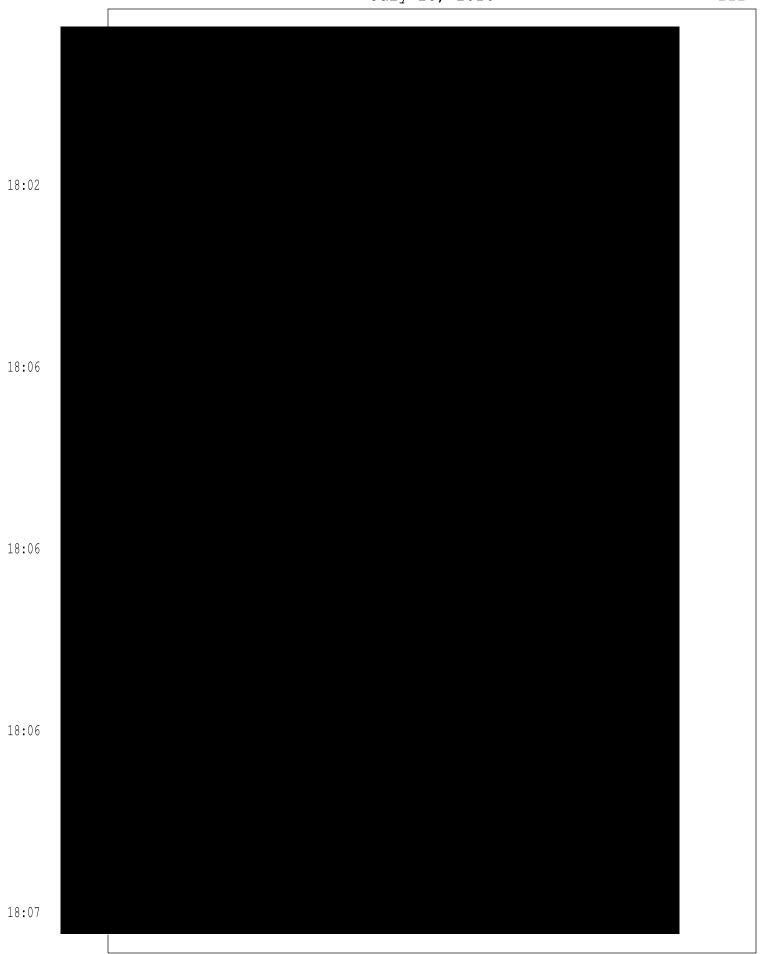
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1
            multi-page document, you know, it runs to 20, 30 pages
        2
            of which the CLI may be mentioned in a couple of
        3
            sentences. We didn't -- it's arguable that it would
        4
            have been more accurate to consider those numbers. We
12:59
            looked for documents that assigned some non trivial
        5
        6
            amount of space to the CLI.
        7
                     I guess Figure 12 and Figure 13 are additional
            Arista documents that you considered?
        8
        9
                Α.
                     Yes.
13:00
       10
                     With respect to -- strike that.
                0.
       11
                      You did one analysis of Arista's source code
       12
            and a calculation of the source code required to
       13
            implement the CLI; do you recall that?
       14
                     Well, that's really Dr. Black's calculation.
                Α.
13:00
       15
                0.
                     I quess --
       16
                     Not Dr. Black, it was someone else, but it's
                Α.
       17
            specified in my report, yeah, the person's name is in
       18
            there.
       19
                     Well, you cite to that calculation.
                Q.
13:01
       20
                Α.
                     Right.
       21
                      Is it your opinion that the quantification of
                0.
       2.2
            the amount of code required to implement a feature is a
       23
            representation of the value of that feature?
       24
                     Well, it could be. It depends on ultimately
                Α.
13:01
       25
            what the clarification is of what's relevant in this
```

```
1
                  There have been cases that I'm aware of where
           case.
        2
           lines of code has been accepted as a valid allocation
        3
           methodology, and cases where it's been rejected. So I
        4
           think whether it's valid in this case or informative in
13:01
        5
           this case is going to depend on what the ultimate shape
        6
           of the case is in terms of what's covered by the
        7
           copyrights.
           BY MS. CANDIDO:
        8
           Q. From the perspective of a consumer, do you
      9
13:02
           think the amount of code that it takes to implement a
      10
      11
           feature speaks to the value of or importance of a
      12
           feature to the consumer?
           A. I don't think it's something that the consumer
      13
      14
           is typically aware of. You know, I think what's in some
13:02
      15
           cases valid is to look at the proportion of the code
           that's necessary to implement a desired functionality.
      16
      17
           Q. Do you think more code makes a feature more
      18
           desirable?
      19
           A. I think it depends on the circumstances of the
13:02
      20
           case. Whether it turns out to be informative in this
           case or not, I don't know. That's why I didn't use it
      21
      22
           in the calculation.
      23
                    Did you give that source code counting analysis
               0.
       24
           any weight in your opinion?
13:03
      25
               Α.
                    I would say not at this time. Certainly not in
```

```
1
            any unique sense. It didn't -- not in any unique sense,
        2
            and I didn't use it in a calculation. I presented it in
        3
            my report because I don't think it's impossible that it
        4
            could be used in the calculation, depending, again, on
13:03
        5
            what the ultimate shape of the case is, but I can't
        6
            anticipate that at this time.
        7
                     So you offered it as a data point, but it
            doesn't currently inform your opinion; is that fair?
        8
                Α.
                     It doesn't currently inform my calculation.
13:04
                Q. On what basis do you think the source code
      10
      11
           calculation would be relevant to a fact finder as the
      12
            case currently stands?
      13
           A. That's kind of an imponderable. There's so
            many variables that go into that, I don't know if I
      14
13:05
      15
            could answer that question.
       16
                        (Deposition Exhibit 1594 marked.)
       17
                     MR. SILBERT: Thanks.
       18
            BY MS. CANDIDO:
       19
                     I've handed you what's been marked
                Q.
13:06
       20
            Exhibit 1594. It's a printout of a natively-produced
       21
            file Bates number ARISTANDCA11419567. We've given it
       2.2
            -01 through -71 pagination for reference in the
       23
            printout -- I'm sorry, through -72 printout, pagination
       24
            of the printout.
13:06
       25
                     This is the -- actually, no, it appears not to
```



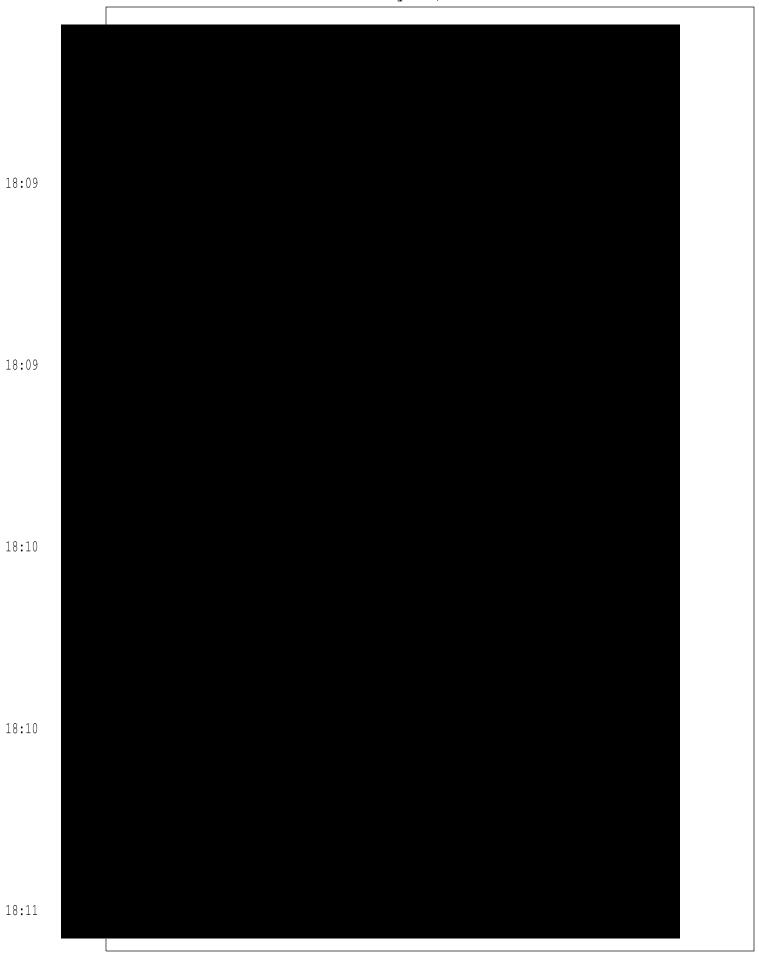
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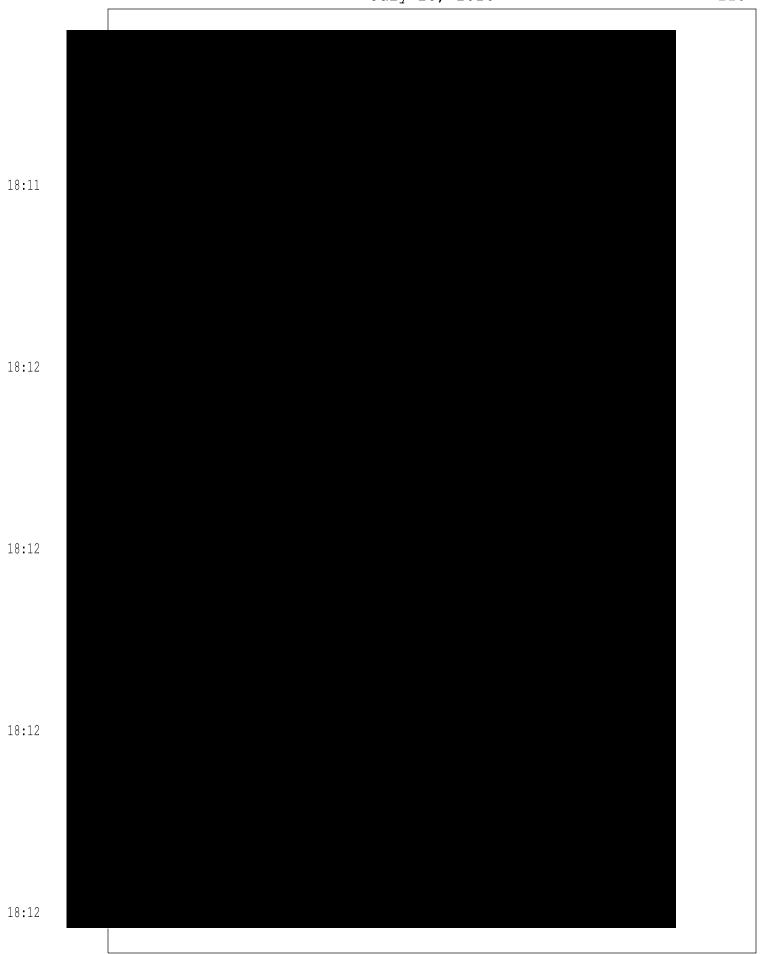
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